

documents. The judicial branch has crafted a state secrets doctrine to give judges the flexibility to weigh these interests with appropriate deference to the executive branch. This judicially crafted doctrine is more than sufficient and has evolved from the 1912 case of *Firth Sterling* to *Reynolds* to current cases such as *Hepting* and *Al Masri*.

The State Secrets Protection Act is unnecessary and potentially harmful to national security. Unless serious changes are made to this legislation and the amendments offered by myself and my Republican colleagues are adopted, I cannot in good conscience vote this bill out of committee. I do not know how any Senator sitting in this body can do so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GUANTANAMO

Mr. INHOFE. Mr. President, I have come to the floor over the past several years, countless times, talking about a resource we have called Guantanamo Bay. People refer to it as Gitmo.

I was distressed about some of the statements our President made when he made the comment that we are going to close Gitmo and make sure there is no more torture. I have to say, there has never been one documented case of torture in Guantanamo Bay. It is ludicrous that people would say this. Every time I talk to someone who says we have to close Guantanamo Bay and you ask them what the reason for that is, they turn around and they say: It is because the people in the Middle East and some people in Europe think there is torture that has been going on. It goes back to the Abu Ghraib thing. This had nothing to do with Abu Ghraib. There has never been a documented case of torture.

Let's look at this resource. We got Gitmo in 1903. It is one of the best bargains we have had in government because we only paid \$4,000 a year for this. It is a state-of-the-art prison. We don't have anything in the United States that is as secure and as humane as Gitmo. They have a ratio of doctors to detainees of two to one, the same with legal help. I have been down there several times. If you talk to the ones who won't be throwing something at you, they will tell you they have never had food and treatment as good as they have had down there. I can't imagine we would take a resource such as that and close it down and bring some 200 or 240 terrorists to the United States. Yet that is exactly what the President is talking about doing.

I was shocked when I picked up the newspaper on Monday morning and saw that Ahmed Ghailani, who was the terrorist who bombed the embassies in Tanzania and Kenya, was actually brought to the United States. He is in New York today. I didn't know about it until I read it in the newspaper. He is going to be adjudicated or go to trial in our court system.

Here is the problem we have with that. These people in Guantanamo Bay are terrorists, detainees. These are not criminals. These are not people who committed a crime. They are not people to whom the normal rules of evidence would apply. In fact, most of the rules of evidence, it was assumed, would be in the form of military tribunals. Of course, those rules are different than they are in the court system. What will happen when you have some of the worst terrorists in the world coming up and getting tried in our system and we find out they have to be acquitted because the rules of evidence are not what they were during the time they were brought into custody?

We have this resource we have used since 1903. It is the only place in the world we can actually put detainees. The President has said there are some 17 prisons in the United States where we can incarcerate these people. I suggest—and I don't think anyone will refute this—if you did that, you would have 17 magnets for terrorism.

One of the places they suggested happened to be Fort Sill in Oklahoma. I went down to Fort Sill. There is a young lady there who is a sergeant major in charge of our prison. She said: What is wrong with those people in Washington? What is wrong with the President, thinking that we can incarcerate terrorists here in Oklahoma?

This young lady was also a sergeant major at Guantanamo just a few months ago. She went back and she said: That is the greatest facility. There is no place where we can replicate that thing.

She said: On top of that, we have the courtroom that was built.

We spent 12 months and \$12 million on a courtroom where we could have military tribunals, and they were going on. And President Obama ordered them to stop, and he wanted to bring them to the United States to be adjudicated here. This is outrageous.

I have heard people on the Senate floor talk about how bad Guantanamo Bay is. They will never be specific. They will never talk about what is wrong with Guantanamo Bay. What are they doing? Are they torturing people? No. Are they being mistreated? No. There are six levels of security. When you are dealing with terrorist detainees, you have to put them in areas where the level of their activity is greater and requires more or less security, and we have that opportunity to do it there. No place else in America, no place else in the world can they do that.

By the way, it is not just 245 detainees whom we have to deal with. It is worse than that because in Afghanistan, with the surge taking place right now, there will be more detainees. There are two major prisons: Bagram—and I can't remember the other one in Afghanistan. They will say they could be incarcerated there. No, they won't, because they won't accept any detainees who are not from Afghanistan. So if they are from Djibouti or from Saudi Arabia or someplace else, we have to have a place to put them or else you turn them loose or else you execute them.

A lot of these people who think they should not be incarcerated in any prison at all, you have to keep in mind, you can't turn them loose on society. These are people who are not normal, people like normal criminals. First of all, they have no fear of death. It is just ingrained in them. These are people who want to kill all of us. So we are talking about very dangerous people.

I am very much concerned. I did not believe President Obama would go through with bringing terrorists to the United States. I didn't think that would happen. Yet I picked up the paper Monday morning and there it is. Ahmed Ghailani, one of the worst terrorists around, killed 244 people, many Americans, in Tanzania and Kenya. This is something that I know the American people don't want. I would hope many of my good Democratic friends are not going to line up and support President Obama in bringing these terrorists to the United States.

I guess I am prejudiced. I have 20 kids and grandkids. I don't want a bunch of terrorists in this country where they are subjected to that type of thing. The fact is, they would be magnets; there is no doubt in my mind. This Sergeant Major Carter at Fort Sill said that if we put them down there, they would be in a position where it would draw terrorist activity to my State of Oklahoma.

By the way, I think there are 27 State legislatures that have passed resolutions saying they don't want any of the detainees located in their States. I can assure my colleagues that every one of the 17 proposed sites that would house these people is a site where they have passed resolutions saying: We don't want them here.

The liberal press is always talking about how bad things are and we have to close Gitmo. If you go down there, you find that those people have never been there. Almost without exception—I don't know of one exception where if they have gone down there and they have seen how humanely people are treated, they have seen a resource down there that we can't replicate any place in the United States, they come back shaking their heads saying: What is wrong with keeping Gitmo open? Even Al Jazeera went down there. That is a Middle Eastern network. They went down and had to admit publicly that the treatment was better there